

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:)
) Case No. 22-41362
KOBI GILKEY,)
) Chapter 13 Bankruptcy
Debtor.)

NOTICE OF HEARING

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY July 14, 2022. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

PLEASE TAKE NOTICE that Debtor's Motion to Set Aside Order Granting Trustee's Objection to Claim #1 filed by MSD is scheduled to be heard before the Honorable Kathy Surratt-States at the Thomas F. Eagleton Courthouse, 111 South 10th Street, 7th Floor, North Courtroom, St. Louis, Missouri 63102, on the 21st day of July 2022, at 10:00 a.m.

MOTION TO SET ASIDE ORDER GRANTING
TRUSTEE'S OBJECTION TO CLAIM #1 BY SANTANDER CONSUMER USA

COMES NOW Debtor, by and through undersigned counsel, and for his Motion to Set Aside Order Granting Trustee's Objection to Claim #1 by Santander Consumer USA, states to the Court as follows:

1. Debtor filed this Chapter 13 Bankruptcy on May 5, 2022.

2. Pursuant to Debtor's First Amended Chapter 13 Plan, Debtor intended to surrender his 2020 GMC Terrain to Santander Consumer USA.
3. The Chapter 13 Trustee filed an objection to Proof of Claim #1 filed by Santander Consumer USA as Debtor's plan called for the surrender of this automobile.
4. An order Granting the Trustee's Objection to Claim #1 was entered in Debtor's case on June 17, 2022, document #17 on this Court's docket.
5. That Debtor has filed his Second Amended Chapter 13 Plan, showing he now intends to keep his 2020 GMC Terrain and pay Santander Consumer USA through his plan.
6. Debtor requests this Court set aside the Order Granting the Chapter 13 Trustee's Objection to Claim #1, so Santander Consumer USA may receive payment through his Second Amended Chapter 13 Plan.

WHEREFORE, Debtor prays his Motion to Set Aside Order Granting Trustee's Objection to Claim #1 by Santander Consumer USA be granted, and for what other and further Orders this Court deems just and appropriate.

/s/ Robert E. Faerber
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion to Set Aside Order was filed electronically on June 24, 2022 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

Diana S. Daugherty (standing_trustee@ch13stl.com)
Office of U.S. Trustee (USTPRegion13.SL.ECF@USDOJ.gov)

/s/ Robert E. Faerber